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ALLIANCES IN MEXICO
AND SRI LANKA

March 2, 2018

VIA ECF and BY HAND

Honorable Edgardo Ramos
United States District Judge for the Southern District of New York
c/o Court Security Officers
500 Pearl Street – Worth Street Entrance
New York, NY 10007

Re: Kraft Food Group Brands LLC v. Bega Cheese Limited (1:17-cv-8104)(ER)

Dear Judge Ramos:

A conference is scheduled to take place next Friday to discuss the status of this matter. We are writing on behalf of respondent Bega Cheese Limited (“Bega”) to advise Your Honor that petitioner Kraft Foods Group Brands LLC (“KFGB”) commenced an arbitration in the International Centre for Dispute Resolution (the “ICDR”) on February 13, 2018, after which the Federal Court of Australia made the attached order on February 16, 2018 on Bega’s ex parte application. Based on the order, KFGB is enjoined from taking steps in the arbitration, and the ICDR has advised that the arbitration is suspended.

A contested hearing on Bega’s application to enjoin KFGB from taking steps in the arbitration began on March 1, 2018 in Melbourne, Australia, and is now set to resume on March 15, 2018. In the interim, the order granted by the Federal Court of Australia on February 16, 2018 enjoining KFGB from taking any steps in the arbitration as well as any steps in any proceeding to restrain the anti-arbitration injunction proceeding, remains in effect.

Given the current procedural posture of the dispute, we respectfully request that next Friday’s conference be adjourned. Once the Federal Court of Australia has ruled, we will advise Your Honor so that, if necessary, the status conference can be rescheduled.

Respectfully,


Fran M. Jacobs

Encl.

cc: Paul Weiss Rifkind Wharton & Garrison LLP (via ECF)

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Federal Court of Australia

District Registry: Victoria

Division: General

No: VID1220/2017

KRAFT FOODS GROUP BRANDS LLC and another named in the schedule
Applicant

BEGA CHEESE LIMITED
Respondent

ORDER

JUDGE: JUSTICE O'CALLAGHAN

DATE OF ORDER: 16 February 2018

WHERE MADE: Melbourne

THE COURT ORDERS THAT:

1. The Respondent have leave to file in Court the Interlocutory Application dated 15 February 2018 and the Affidavits of Hayden Samuel Martin sworn 15 and 16 February 2018.
2. The Interlocutory Application be returnable instant.
3. Until further order and on the Respondent, through its solicitor, giving the usual undertaking as to damages, the First Applicant be restrained from taking any step, either directly or indirectly:
 - (i) in arbitration proceedings commenced before the International Centre for Dispute Resolution, New York, on 13 February 2018 having Case Number: 01-18-0000-7749 (**the Arbitration**), including any step to obtain emergency relief in the Arbitration, or
 - (ii) any other step, either directly or indirectly, in the Arbitration or otherwise to seek to restrain these proceedings including, without limitation, the hearing or determination of Order 4 of the Interlocutory Application dated 15 February 2018.



4. A copy of this Order, the Interlocutory Application, the Affidavits of Hayden Samuel Martin (without exhibits), Dr Bell's written Outline of Submissions be served on the solicitors for the Applicants by 5pm today, with a copy of the exhibits and the transcript of the hearing today to be served as soon as practicable thereafter.
5. The proceeding be stood over until 9.00a.m on Wednesday, 21 February 2018.
6. This Order be taken out forthwith.

Date that entry is stamped: 16 February 2018


Registrar



Schedule

No: VID1220/2017

Federal Court of Australia
District Registry: Victoria
Division: General

Applicant H.J. HEINZ COMPANY AUSTRALIA LIMITED

CROSS CLAIM

Cross-Claimant BEGA CHEESE LIMITED

Cross Respondent KRAFT FOODS GROUP BRANDS LLC

Cross Respondent H.J. HEINZ COMPANY AUSTRALIA LIMITED